



BEST AVAILABLE COPY

#12/Elect

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or Printed Name Alan W. Cannon

Signature

Date

11/6/03

RESPONSE TO RESTRICTION REQUIREMENT

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket	ZURN-001
Confirmation No.	5750
First Named Inventor	Zurn, William Harrison
Application Number	09/972,347
Filing Date	October 9, 2001
Group Art Unit	3671
Examiner Name	Pechhold, Alexandra K.
Title	Modular, Robotic Road Repair Machine (as amended)

RECEIVED

NOV 13 2003

GROUP 360C

Sir:

This is responsive to the Office Action (Restriction Requirement) dated October 31, 2003 for which a one-month period for response was given making this response due on or before December 1, 2003 (November 30, 2003 being a Sunday). In view of the election made herein, reconsideration and allowance of claims 15-24 are respectfully requested.

The Restriction Requirement

In the Official Action dated October 31, 2003, the Examiner restricted the claims to the following two identified "inventions":

Group I: claims 15-24 drawn to a robotic repair machine and a system; and

Group II: claims 25-33 drawn to a method of efficiently repairing a road surface.

The Examiner required election of one of the above-listed inventions to be responsive to the Office Action.

Response

In response to the restriction requirement, Applicants elect Group I, claims 15-24 with traverse. Applicants respectfully submit that it would not be an undue burden upon the Office to examine all of the claims in the instant application together in this case, since the method claims are directed toward use of the robotic repair machine and system recited in claims 15-24.

Correspondence Address

Atty Dkt. No.:ZURN-001

USSN: 09/972,347

Applicants respectfully request that the Office update the correspondence address in this case. A Power of Attorney was submitted along with the Amendment filed on August 12, 2003. The Power of Attorney directs that all correspondence should be mailed to the following address:

Alan W. Cannon
LAW OFFICE OF ALAN W. CANNON
834 South Wolfe Road
Sunnyvale, CA 94086

Conclusion

Applicants respectfully submit that a proper response has been made to the Restriction Requirement., and that all of the claims in this application are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number ZURN-001.

Respectfully submitted,

LAW OFFICE OF ALAN W. CANNON

By:


Alan W. Cannon
Registration No. 34,977

Date: Nov. 6, 2003
LAW OFFICE OF ALAN W. CANNON
834 South Wolfe Road
Sunnyvale, CA 94086
Telephone: (408) 736-3554
Facsimile: (408) 736-3564

NOV 10 2003

Please type a plus sign (+) inside this box →

3671

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

09/972,347

Filing Date

October 9, 2001

Confirmation Number

5750

First Named Inventor

Zurn, William Harrison

Group Art Unit

3671

Examiner Name

Pechhold, Alexandra K.

Total Number of Pages in This Submission

3

Attorney Docket Number

ZURN-001

ENCLOSURES (check all that apply)

Fee Transmittal Form in Duplicate
(2 pgs.)

Fee Attached

Response to Restriction
Requirement (Election) (2 pgs.)

Affidavits/declaration(s)

Extension of Time Request

Express Abandonment Request

Information Disclosure Statement

Certified Copy of Priority
Documents

Response to Missing Parts/
Incomplete Application

Response to Missing Parts
under 37 CFR 1.52 or 1.53

Assignment Papers
(for an Application)

Request for Approval of Proposed
Drawing Amendment

Licensing-related Papers

Power of Attorney

Petition to Convert to a
Provisional Application

Statement Under 37 CFR 3.73(b)

Terminal Disclaimer

Request for Refund

CD, Number of CD(s) _____

After Allowance Communication
to Group

Appeal Communication to Board
of Appeals and Interferences

Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

Proprietary Information

Status Letter

Other Enclosure(s) (please
identify below):

- Postcard

RECEIVED

NOV 13 2003

GROUP 3600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or
Individual Name

ALAN W. CANNON, Reg. No. 34,977

Signature

Date

NOVEMBER 6, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

Typed or printed name

Alan W. Cannon

Signature

Date November 6, 2003

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.